

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of)	
Abe, John R.)	Examiner: Dixon, Thomas A.
Application No.: 10/644,944)	Art Unit: 3628
Filed: 08/19/2003)	Atty. Docket No.: ABE1P002
For: CONTINUOUS PRICE OPTIMIZATION)	Date: 07/03/2007
SYSTEM, METHOD AND COMPUTER)	
PROGRAM PRODUCT FOR SATISFYING)	
CERTAIN BUSINESS OBJECTIVES)	

Issue Fee Payment Transmittal

Mail Stop Issue Fee
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following items:

- 1) Comments on Statement of Reasons for Allowance
- 2) Part B- Issue Fee Transmittal

Respectfully submitted,
 Zilka-Kotab, PC

/KEVINZILKA/

Kevin J. Zilka
 Reg. No. 41,429

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PATENT

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COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice of Allowance mailed 05/11/2007, please enter the following:

REMARKS

The Examiner has stated in the Examiner's Statement of Reasons for Allowance the following: "[t]he prior art of record... does not disclose or fairly teach: generating an optimal price, wherein the optimal price is generated by receiving a plurality of prices associated with a price-frequency mathematical distribution, a number of competitors, a business objective and a cost associated with a good or service, and calculating the optimal price based on the prices, the number of competitors, business objective, and cost associated with the good or service; and reacting by adjusting the price-frequency mathematical distribution based on a difference between the expected result and an actual result" (emphasis added).

In response, applicant points out that at least some of the independent claims (e.g. Claims 20, etc.) are not necessarily limited to at least the emphasized features that the Examiner has highlighted above. Just by way of example, at least some of applicant's independent claims are not necessarily limited to a "reacting by adjusting the price-frequency mathematical distribution based on a difference between the expected result and an actual result," as the Examiner notes.

Clearly, at least some of the independent claims are not necessarily limited to the features that the Examiner has noted above in the Examiner's Statement of Reasons for Allowance, as emphasized above (by way of example only). Instead, each of the claims should only be limited by the language existing therein.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. For payment of the fees due in connection with the filing of this paper, the Commissioner is authorized to

charge such fees to Deposit Account No. 50-1351 (Order No. ABE1P002).

Respectfully submitted,
Zilka-Kotab, P.C.

/KEVINZILKA/

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